

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 JOHN FRASHER,

12 Petitioner,

2:04-cv-1666-GEB-DAD-P

13 vs.

14 TOM CAREY, Warden, et al.,

15 Respondents.

ORDER

16 \_\_\_\_\_/  
17 Petitioner, a state prisoner proceeding pro se, has  
18 filed an application for a writ of habeas corpus pursuant to 28  
19 U.S.C. § 2254. The matter was referred to a United States  
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local  
21 General Order No. 262.

22 On July 26, 2005, the magistrate judge filed findings  
23 and recommendations herein which were served on all parties and  
24 which contained notice to all parties that any objections to the  
25 findings and recommendations were to be filed within twenty days.  
26

1 Neither party has filed objections to the findings and  
2 recommendations.

3 The court has reviewed the file and finds the findings  
4 and recommendations to be supported by the record and by the  
5 magistrate judge's analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The findings and recommendations filed July 26,  
8 2005, are adopted in full;

9 2. Respondents' October 7, 2004 motion to dismiss is  
10 granted; and

11 3. This action is dismissed with prejudice because the  
12 application for a writ of habeas corpus was filed beyond the one-  
13 year statute of limitations.

14 Dated: August 29, 2005

15  
16 /s/ Garland E. Burrell, Jr.  
17 GARLAND E. BURRELL, JR.  
18 United States District Judge  
19  
20  
21  
22  
23  
24  
25  
26